

STATE OF VERMONT
PUBLIC SERVICE BOARD

Dig Safe Notice No. 641

In Re: Champlain Valley Telecom, Alleged Violation of)
August 10, 2009, as reported by Champlain Valley)
Telecom

Order entered: 1/22/2010

ORDER RE: NOTICE OF PROBABLE VIOLATION

Background

1. Pursuant to 30 V.S.A. § 7001 et. seq., and Vermont Public Service Board Rule 3.800, the Vermont Department of Public Service ("Department") issued a Notice of Probable Violation of Underground Utility Damage Prevention System ("NOPV") to Champlain Valley Telecom ("Respondent").
2. Incident Date: August 10, 2009
3. Incident Location: 1204 Weaver Road, Huntington, VT
4. Name and Address of Company that Reported the Incident to the Department: Waitsfield-Fayston Telephone Company, Inc., d/b/a Waitsfield Telecom, d/b/a Champlain Valley Telecom, P.O. Box 9, Waitsfield, VT 05673-0009
5. Date Incident Reported to Effected Utility: August 10, 2009
6. Date NOPV issued by Department: December 24, 2009 (#1670)
7. Department's Statement of Evidence Supporting the Alleged Violation: "The Department of Public Service investigated this incident and determined the following details. On 7/6/09, the Town of Huntington made a notice of excavation activities to Dig Safe System Inc. Waitsfield Champlain Valley Telecom did not accurately locate and mark its underground facilities in the area of the proposed excavation. During the excavation an unmarked WCVT distribution line was damaged. This resulted in a service outage of approximately 2 hours. The Town of Huntington notified WCVT of the damaged facility. The Department of Public Service issued 3 Notices of Probable Violation (NOPV's) to Waitsfield Champlain Valley Telecom during the 12 months preceding this incident."
8. Statute, Rule, Regulation or Order Allegedly violated: 30 V.S.A. § 7006

9. The Department's Recommended Remedial Action(s) (Including Civil Penalties): Civil penalty in the amount of One Thousand Two Hundred Dollars (\$1,200.00).
10. The Respondent has agreed to take the remedial action(s) recommended by the Department.¹

Conclusion and Order

Because the Respondent has not contested the NOPV, or the allegations therein, we conclude that the remedial action proposed in the NOPV is appropriate, and should be imposed.²

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

Within thirty days of the date of this Order, Waitsfield-Fayston Telephone Company, Inc., d/b/a Waitsfield Telecom, d/b/a Champlain Valley Telecom, shall pay a civil penalty in the amount of One Thousand Two Hundred Dollars (\$1,200.00) by submitting to the Public Service Board a check in that amount made payable to the State of Vermont, and sent to the Public Service Board at 112 State Street, Montpelier, VT 05620-2701.

1. *See*, Respondent's filing of 1/12/10.

2. *See*, Public Service Board Rule 3.807(G).

Dated at Montpelier, Vermont, this 22nd day of January, 2010.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: January 22, 2010

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.